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3 UNITED STATES DISTRICT COURT
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION
6

7 UNITED STATES OF AMERICA,

8 Plaintiff,

9 vs.

10 JAVANCE CORMIER,
11

12 Defendant.
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Case No: CR 12-0495 SBA

**ORDER ACCEPTING
AMENDED REPORT AND
RECOMMENDATION
REGARDING GUILTY PLEA**

Docket 644

14 On February 11, 2013, the Court referred this matter to Magistrate Judge Ryu ("the
15 magistrate") for a report and recommendation on the acceptance of Defendant's guilty plea.
16 Dkt. 530. On February 26, 2013, the Defendant appeared before the magistrate and, with
17 the assistance of counsel, waived his right to enter a guilty plea before a district judge and
18 instead consented to enter his plea in a hearing before the magistrate. See Dkt. 644. The
19 magistrate conducted a full hearing in the manner set forth in Federal Rule of Criminal
20 Procedure 11. Id. After the advisements set forth in Rule 11, the Defendant entered a
21 guilty plea in open court. Specifically, the Defendant pled guilty pursuant to a written plea
22 agreement to Count Thirteen of the Indictment charging Defendant with possession with
23 intent to distribute and distribution of cocaine within 1,000 feet of a school in violation of
24 21 U.S.C. §§ 841(a)(1), 841(b)(1)(C), and 860. Id. The magistrate found that Defendant
25 was fully competent and capable of entering an informed plea, that he was aware of the
26 nature of the charges and the consequences of the guilty plea, and that the guilty plea was
27 knowing and voluntary and supported by an independent factual basis. Id.
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1 On February 26, 2013, the magistrate issued a Report and Recommendation
2 Regarding Guilty Plea. Dkt. 583. On May 8, 2013, the magistrate issued an Amended
3 Report and Recommendation Regarding Guilty Plea in which she recommends that this
4 Court accept Defendant's guilty plea. Dkt. 644. The Amended Report and
5 Recommendation advises the parties that they may serve and file specific written objections
6 to the order within fourteen days after being served with a copy of the order. Id. No
7 written objections to the Amended Report and Recommendation were filed prior to the
8 hearing. At the July 16, 2013 sentencing hearing in this matter, the parties indicated that
9 they have no objections to the Amended Report and Recommendation. Accordingly,

10 IT IS HEREBY ORDERED THAT the magistrate's Amended Report and
11 Recommendation (Dkt. 644) is ACCEPTED, the Defendant's guilty plea is accepted, and
12 the magistrate's Amended Report and Recommendation shall become the order of this
13 Court.

14 IT IS SO ORDERED.

15 Dated: 7/22/13

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17 SAUNDRA BROWN ARMSTRONG
18 United States District Judge
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